

**Amendments to the Claims:**

The following listing of claims will replace all prior versions and listings of claims in the application. The amendments are indicated relative to the claims that were on file at the time the final office action was mailed, September 26, 2003. In other words, the amendments submitted in the first "after final" office action response, which were not entered by the Office, are disregarded.

**Listing of Claims:**

- 1-72. (Canceled)
73. (Original) A transgenic poinsettia plant comprising at least one expression vector, wherein said expression vector comprises at least one foreign gene, and wherein said transgenic poinsettia plant expresses said foreign gene.
74. (Original) The transgenic poinsettia plant of claim 73, wherein said expression vector further comprises a promoter, wherein said promoter is selected from the group consisting of Cauliflower Mosaic Virus (CaMV) 35S promoter, the enhanced 35S promoter, the UBQ3 promoter, the UBQ10 promoter, the UBQ11 promoter, the UBQ14 promoter, the TEFA 1 promoter, the rolC promoter, and the Commelina Yellow Mottle Virus promoter, wherein the expression of said foreign gene is under the control of said promoter.
75. (Original) The transgenic poinsettia plant of claim 74, wherein said promoter is selected from the group consisting of the CaMV 35S promoter, the enhanced 35S promoter, the UBQ3 promoter, and the UBQ10 promoter.
76. (Previously Presented) The transgenic poinsettia plant of claim 73, wherein the expression of said foreign gene confers resistance to disease caused by an organism selected from the group consisting of virus, bacterium, and fungus.
77. (Previously Presented) The transgenic poinsettia plant of claim 76, wherein said foreign gene disrupts the function of said virus, and wherein said virus-disrupting gene is selected

from the group consisting of genes encoding viral coat protein, 2'-5' oligonucleotide synthetase, viral genome antisense RNA, and pokeweed B81 antiviral protein.

78. (Previously Presented) The transgenic poinsettia plant of claim 73, wherein said foreign gene confers resistance to an insect, and wherein said insect resistance gene encodes a protein selected from the group consisting of tryptophan decarboxylase, lectin, and *Bacillus thuringiensis* toxin.
79. (Original) The transgenic poinsettia plant of claim 78 wherein said lectin is *Galanthus nivalis* lectin.
80. (Previously Presented) The transgenic poinsettia plant of claim 76, wherein said foreign gene confers resistance to a bacterium or a fungus and encodes a polypeptide selected from the group consisting of chitinase, a  $\beta$ -1,3-glucanase, ribosome-inactivating protein, lytic peptide, and plant defensin.
81. (Original) The transgenic poinsettia plant of claim 80, wherein said plant defensin is radish seed Rs-AFP2.
82. (Original) The transgenic poinsettia plant of claim 80, wherein said lytic peptide is selected from the group consisting of a magainin, PGLa, PGL, xenopsin, caerulein, cecropin, MSI-99, MSI-55, and D5-C.
83. (Original) The transgenic poinsettia plant of claim 73, wherein said foreign gene is operatively linked with a DNA molecule encoding pea vicilin signal peptide.
84. (Original) The transgenic poinsettia plant of claim 82, wherein said magainin is magainin 1 or magainin 2.
85. (Original) The transgenic poinsettia plant of claim 73, wherein said transgenic poinsettia comprises an expression vector that further comprises a second foreign gene.
86. (Original) The transgenic poinsettia plant of claim 85, wherein said foreign gene encodes chitinase, and wherein said second foreign gene encodes  $\beta$ -1,3-glucanase.

87. (Original) The transgenic poinsettia plant of claim 86, wherein said foreign gene encodes magainin 2, and wherein said second foreign gene encodes PGLa or PGL.
88. (Original) The transgenic poinsettia plant of claim 86, wherein the expression of said foreign gene confers insensitivity to ethylene, and wherein said foreign gene encodes a mutated ethylene receptor.
89. (Original) The transgenic poinsettia plant of claim 88, wherein said mutated ethylene receptor gene is the Arabidopsis etr-1 gene or a tomato NR gene.
90. (Original) The transgenic poinsettia plant of claim 73, wherein said foreign gene is the Vitreoscilla hemoglobin gene.
91. (Original) The transgenic poinsettia plant of claim 73, wherein said foreign gene is an isopentenyl transferase gene, wherein the expression of said isopentenyl transferase gene is under the control of a promoter of a senescence-associated gene.
92. (Original) The transgenic poinsettia plant of claim 91, wherein said promoter is the Arabidopsis SAG12 gene promoter.
93. (Original) The transgenic poinsettia plant of claim 73, wherein said foreign gene encodes a polypeptide having a MADS box domain.
94. (Original) The transgenic poinsettia plant of claim 93, wherein said second foreign gene is selected from the group consisting of the PLENA gene, the SQUAMOSA gene, the DEFICIENS A gene, the GLOBOSA gene, the APTELA1 gene, the APETALA2 gene, the AGAMOUS gene, the OsMADS24 gene, the OsMADS45 gene, and the OsMADS1 gene.
95. (Original) The transgenic poinsettia plant of claim 73, wherein said foreign gene encodes a protein that modifies plant habit.
96. (Original) The transgenic poinsettia plant of claim 95, wherein said gene is the OsMADS1 or phyA gene.
- 97-99. (Canceled)

100. (Previously Presented) The transgenic poinsettia plant of claim 73, wherein said plant is fertile.

101-111. (Canceled)

112. (Previously Presented) The transgenic poinsettia plant of claim 73, wherein the expression of said second foreign gene confers resistance to an insect.

113-118. (Canceled)